

The 30th March, 1968

No. 2991-3Lab-68/8578.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the President of India is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and management of M/s Mahavir Parshad and Co., 13/3, Mathura Road, Faridabad :—

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 130 of 1967

between

Shri Mohan Lal and other workmen and the management of M/s Mahavir Parshad & Co., 13/3 Mathura Road, Faridabad.

Present :—

Shri Ashok Kumar, for the claimant.

Shri Rajinder Parshad, for the management.

AWARD

Sarvshri Mohan Lal, Balak Ram and Sunder Lal were in the services of M/s Mahavir Parshad and Co., 13/3, Mathura Road, Faridabad. Their services were terminated and this gave rise to an industrial dispute. The President of India in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 read with the proviso to that sub-section of the Industrial Disputes Act, 1947, referred the following dispute to this court for adjudication.—*vide* Gazette Notification No. ID/FD/329A, dated nil.

Whether the termination of service of Shri Mohan Lal, Balak Ram and Sundar Lal was justified and in order. If not, to what relief are they entitled?

On receipt of the reference, usual notices were issued to the parties in response to which the General Engineering Mazdoor Union submitted the statement of claim on behalf of the claimants and the management filed their written statement.

On behalf of the management, it is pleaded that reference is premature because the services of claimants have not been terminated by the management. It is alleged that Shri Mohan Lal is still working in the respondent concern. Shri Balak Ram has himself abandoned the services and Shri Sunder Lal is absent from duty from 10th August, 1967 onwards and on 11th December, 1967 he received his full and final dues on the ground that he was unable to serve the respondent concern and had taken up services elsewhere. In view of the version of the management, it was considered necessary to first record the statements of the claimants themselves. An adjournment was given for the purpose and their representative was directed to produce them in court on 22nd February, 1968. On the date fixed, the representative requested for more time and the case was adjourned to 4th March, 1968. The representative was not able to produce the claimants in spite of two adjournments having been granted to him and he made a statement that he had no instructions from them. Since the claimant have not been able to substantiate their plea that the management are responsible for terminating their services, it must be held that the reference is premature and I give my award accordingly.

Dated, the 11th March, 1968.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Rohtak.

No. 519, dated 26th March, 1968.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

Dated, the 11th March, 1968.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Rohtak.

The 1st April, 1968

No. 3005-3Lab-68/8650.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the President of India is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Chandigarh, in respect of the dispute between the workmen and management of M/s Union Metal Industries, Jagadhri :—

BEFORE SHRI K. L. GOSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, CHANDIGARH

Reference No. 55 of 1967

between

THE WORKMEN AND THE MANAGEMENT OF M/S UNION METAL INDUSTRIES,
JAGADHRI

Present :—

Shri R. L. Gupta, for the management.

Shri Madhusudan Saran, for the workmen.

AWARD

An industrial dispute having come into existence between the workmen and the management of M/s Union Metal Industries, Jagadhri, over the following two matters, the same was referred for adjudication to this tribunal under clause (d) of sub-section 1 of Section 10 of the Industrial Disputes Act, 1947,—*vide* Haryana Government notification No. 221-SF-III-Lab-67/17795, dated 22nd June, 1967 :—

- (1) Whether the contract system in various sections of the factory should be abolished and the workers which the contractors should be considered at par with the other regular workmen of the factory ? If so, with what details ?
- (2) Whether the workmen employed should be granted dearness allowance, due to rise in the cost of living index ? If so, with what details ; and from which date ?

On registration of the reference in this tribunal usual, notices were issued to the parties and in response to the same the workmen filed their statement of claims and the management filed their written statement to the same. Certain preliminary objections were taken by the management with regard to the validity of the reference in question and this necessitated the framing of three preliminary issues which are Nos. 1, 2 and 3. Two issues were framed on merits which are precisely the same as the two items of dispute and they are issues Nos. 4 and 5. Parties were called upon to lead their evidence in respect of the said issues and as soon as the evidence concluded, an application was made by the management that a mutual settlement of the entire dispute had been arrived at between them and all the workmen of the concern. Mr. Madhusudan Saran who represented the trade union of the workmen disputed the factum and validity of the said settlement and I gave both the parties an opportunity to lead their evidence in respect of the same. The management examined three witnesses, namely Tek Chand, Mohinder Kumar and Jai Narain while the workmen examined two witnesses, namely, Phool Chand and Gainda Ram. Tek Chand and Mohinder Kumar are the workmen of the concern in question and they have stated that a settlement was arrived at between the parties and that a document regarding the same was executed which is Ex. R.1. This document is signed by all the three witnesses produced by the management. They have also stated that all the workmen of the concern signed the said document in their presence. Phool Chand who has been produced by the workmen admits that he also signed Ex. R.1 but says that he did not know the contents of the same at the time he signed. It is significant that this document is signed by him in English and the document itself is also in English. He admits that he obtained a copy of this document from the management within 5 or 6 days of 18th February, 1968 when it was executed. His evidence was recorded on 18th March, 1968. He does not allege that he took any steps at all to raise any objection against the said document either before the Conciliation Officer or even before this tribunal. Gainda Ram the other witness of the workmen has also signed R.1. I cannot accept the statement of Phool Chand and Gainda Ram when they say that they did not know the contents of the document. No plea has been taken before me that the document was in any way not a genuine one or that the workmen signed it by reason of any fraud or coercion caused on them. In the circumstances, I have no reason to disbelieve the version of the management that the dispute had been mutually settled between the parties. The settlement relates to both the items of dispute as mentioned in the reference and it also mentions some other items of dispute which were settled. The workmen were paid some bonus and some of the workmen were allowed retrenchment compensation in spite of the fact that they had voluntarily given up services. With regard to both the items of reference, the workmen had given up their claim in the settlement deed. The demands in the reference are accordingly dismissed.

No order as to costs.

K. L. GOSAIN,

Presiding Officer,
Industrial Tribunal, Haryana, Chandigarh.

Dated the 27th March, 1968.

No. 431, dated Chandigarh, the 27th/29th March, 1968.

The award be submitted to the Secretary to Government, Haryana, Labour and Employment Departments Chandigarh, as required by Section 15 of the Industrial Disputes Act, 1947.

K. L. GOSAIN,

Presiding Officer,
Industrial Tribunal, Haryana, Chandigarh.

No. 3004-3Lab-68/8652.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the President of India is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Chandigarh, in respect of the dispute between the workmen and management of M/s Bhiwani Transport Company, Rohtak.

BEFORE SHRI K. L. GOSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, CHANDIGARH

Reference No. 97 of 1967

between

THE WORKMEN AND THE MANAGEMENT OF M/S BHIWANI TRANSPORT CO., ROHTAK

Presents :—

Shri Shiv Narain Vats, for the workmen.
Shri Ujjagar Singh Sethi, for the management.

AWARD

An industrial dispute having come into existence between the workmen and the management of M/s Bhawani Transport Co., Rohtak over the following matters, the same was referred for adjudication to this Tribunal under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947,—*vide* Haryana Government notification No. 474-SF-III-Lab-67/29820, dated 5th October, 1967 :—

- (1) Whether the workers should be paid dearness allowance at enhanced rate ? If so, from which date and with what details ?
- (2) Whether the drivers and conductors should be paid night allowance at enhanced rates ? If so, from which date and with what details ?

On registration of the reference in this tribunal usual notices were issued to the parties and in response to the same the workmen filed their statement of claims but the management did not file their complete written statement. They wished to file an incomplete statement raising only a preliminary objection but I directed them to file their complete written statement on all the matters mentioned in the statement of claims. In spite of my order the management did not file any written statement and did not even care to attend the court on the date fixed for the purpose. *Ex parte* proceedings were then taken against the management and the workmen were granted an adjournment to produce their *ex parte* evidence. The workmen examined three witnesses who are A.W. 1 Shri Jiwan Singh, A.W. 2 Shri Khem Raj and A.W. 3 Shri Shiv Narain Vats. A.W. 1 is the Accountant of the concern in question and has stated that his concern made a profit of Rs 60,000 for the year 1966-67 and that they are likely to make almost the same profit in the current year also. He has further stated that the cost of living has considerably gone up and that the workmen do deserve about 30 per cent of their wages as dearness allowance. A.W. 2 is a driver who has been in service of the company for about 14 years. He has also stated that the financial position of the company is very sound and that the cost of living has considerably gone up. He has further stated that the workmen do deserve dearness allowance which should be at the rate of 30 per cent of their wages. A.W. 3 has stated that the wage bill of all the workmen of this concern is about Rs 2,000 to Rs 2,500 every month and that there are about 16 or 17 workmen employed in this concern. He has further stated that the Central Wage for transport industry has allowed interim relief to the workmen of the transport industry but the concern in question has not implemented the aforesaid recommendations. From the *ex parte* evidence I am convinced that the workmen do deserve dearness allowance. I am, therefore, not convinced that this should be about 30 per cent of their present wages. After giving my careful consideration to the matter and taking all the circumstances of the case into consideration I allow the workmen dearness allowance at the rate of 15 per cent of their present wages. The management of the concern in question is directed to pay the said dearness allowance to all their workmen with effect from 5th October, 1967 which is the date of the reference. The arrears will be paid by them within two months from the date of the publication of this award in the official gazette.

Another demand raised by the workmen is that the drivers and conductors who have to stay out for any night during the course of their duties should be paid night allowance for the same at the rate of Rs 3 per night. I am satisfied from the evidence of A.W. 1 that this demand of the drivers and conductors is justified. I direct the management of the concern in question to pay night allowance to their drivers and conductors who have to stay out of their usual station of posting for any particular night or nights. This will be paid at the rate of Rs 3 per night of their stay outside. It shall start to be paid after two months of the publication of this award in the local official gazette.

No order as to costs.

K. L. GOSAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.

Dated the 26th March, 1968.

No. 433, dated Chandigarh, the 29th March, 1968.

The award be submitted to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required by Section 15 of the Industrial Disputes Act, 1947.

K. L. GOSAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.

No. 3006-3Lab-68/8655.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the President of India is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Chandigarh, in respect of the dispute between the workmen and management of M/s Tej Industries, Railway Road, Gurgaon :—

BEFORE SHRI K. L. GOSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
CHANDIGARH

Reference No. 23 of 1968

between

THE WORKMEN AND THE MANAGEMENT OF M/S TFJ INDUSTRIES, RAILWAY ROAD,
GURGAON

Present :

Shri S. N. Bhandari for the management.

Shri C. B. Kaushik, for the workmen.

AWARD

An industrial dispute having come into existence between the workmen and the management of M/s Tej Industries, Railway Road, Gurgaon over the following matters, the same was referred for adjudication to this tribunal under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947,—*vide* Haryana Government notification No. [D/RK/25A-68/5764—68, dated 2nd March, 1968] :—

(1) Whether the workmen are entitled to the grant of bonus for the year 1965-66 and 1966-67. If so, what should be the quantum of bonus and terms and conditions of its payment ?

(2) Whether the retrenchment of the following workmen is justified and in order. If not, to what relief are they entitled ?

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|-------------------------|------------------------|
| 1. Shri Jai Pal Sharma. | 7. Shri Raghvir. |
| 2. Shri Mam Raj. | 8. Shri Om Parkash I. |
| 3. Shri Jai Pal Singh. | 9. Shri Om Parkash II. |
| 4. Shri Lekh Ram. | 10. Shri Raj Narain. |
| 5. Shri Bhola Ram. | 11. Shri Ram Chander. |
| 6. Shri Mula Ram. | 12. Shri Ram Charan. |

On registration of the reference in this tribunal usual notices were issued to the parties but before the workmen could file their statement of claims and the management could file their written statement, parties entered into a mutual settlement of the dispute and when the case came up for hearing on the 19th of March, 1968 the representatives of both the parties made statements before me that the demands in question had been mutually settled and in view of the said settlement the workmen did not wish to adduce any evidence in respect of the same. It was stated on behalf of the workmen that the said demands may be dismissed as having been withdrawn. In any case no evidence has been led to prove the demands and the workmen are not willing to lead any evidence in respect of the same. Both the demands are accordingly dismissed.

No order as to costs.

Dated the 26th March, 1968.

K. L. GOSAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.

No. 432, dated Chandigarh, the 29th March, 1968.

The award be submitted to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required by Section 15 of the Industrial Disputes Act, 1947.

K. L. GOSAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.

The 3rd April, 1968

No. 3120-3Lab-68/8986.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1957 (Act No. XIV of 1947) the President of India is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Chandigarh, in respect of the dispute between the workmen and management of M/s Good Year India Ltd., Ballabgarh :—

**BEFORE SHRI K.L. GOSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
CHANDIGARH**

Reference No. 5 of 1968

between

The Workmen and the Management of M/s Goodyear India Ltd., Ballabgarh.

Present : Shri H.D. Hollinger, for the management

Shri Khushinder Singh for the workmen.

AWARD

M/s Goodyear India Ltd., Ballabgarh, chargesheeted one of their employees Shri B.R. Dua and suspended him pending a domestic enquiry which was ordered to be held against him. He remained under suspension from 20th July, 1966 to 30th July, 1966 and was ultimately awarded punishment which was a warning given to him under the Standing Orders of the concern in question. The workman later served a notice of demand on the management claiming full salary, etc., for the period of suspension. The conciliation proceedings having presumably failed the dispute arising out of the demand notice was referred for adjudication to this tribunal under clause (d) of sub-section (1) of the Section 10 of the Industrial Disputes Act, 1947,—*vide* Haryana Government Notification No. ID/FD/2A/330 dated 4th January, 1968. The exact item of dispute which is mentioned in the notification is in the following terms :—

“Whether the suspension of Shri B.R. Dua for the period from 20th July, 1966 to 30th July, 1966 was justified and in order ? If not, to what relief is he entitled ?”

Usual notices were issued to the parties and in response to the same the workmen filed their statement of claims and the management filed their written statement to the same. The pleadings of the parties gave rise only to one issue which is precisely the same as the item of dispute mentioned above. Parties were directed to lead their evidence in respect of the said issue. The management produced Shri K.P. Aggarwal who is their Labour Manager and he stated that he held the enquiry against Shri B.R. Dua and found him guilty of the charge levelled against him. He also stated that Mr. Dua had been suspended under clause 17(c) of the Standing Orders of the

concern, a copy of which was produced on the record as Ex. R.5. The workmen did not produce any evidence in rebuttal. In clause 17(c) of the Standing Orders it is clearly provided that :—

“An employee against whom any action is proposed to be taken for misconduct may be suspended without wages or admissible allowance pending the enquiry or for the period, if any, allowed to him for giving his explanation.”

It is not denied by the workmen that as soon as the enquiry finished Mr. Dua was reinstated. It is fully proved on the record that the suspension of Mr. Dua for the days mentioned in the item of dispute was justified and was in accordance with the provisions in the Standing Orders. The demand of the workmen is accordingly dismissed.

No order as to costs.

K.L. GOSAIN,
Presiding Officer,

Industrial Tribunal, Haryana, Chandigarh.

Dated 30th March, 1968.

No. 470, dated Chandigarh the 1st April, 1968

The award be submitted to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required by Section 15 of the Industrial Disputes Act, 1947.

K.L. GOSAIN,
Presiding Officer,

Industrial Tribunal, Haryana, Chandigarh.

No. 3121-3Lab-68/8988.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the President of India is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Chandigarh, in respect of the dispute between the workmen and management of M/s Qualitex Machinery (P) Ltd., Faridabad :—

**BEFORE SHRI K.L. GOSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
CHANDIGARH**

Reference No. 16 of 1967

between

The Workmen and the Management of M/s Qualitex Machinery (P) Ltd., Faridabad.

Present : Shri S.L. Gupta, for the management.

Shri Amar Singh, for the workmen.

AWARD

An industrial dispute having come into existence between the workmen and the management of M/s Qualitex Machinery (P) Ltd., Faridabad, over the following matter, the same was referred for adjudication to this tribunal under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947,—*vide* Haryana Government notification No. 4/58, dated 16th February 1968 :—

“Whether the workers are entitled to interim relief granted by the Central Wage Board for Engineering Industry as recommended by the Tripartite Committee appointed by Haryana Government? If so, with what details and from which date ?”

Usual notices were issued to the parties and in response to the same the management filed their written statement, paragraph 6 which reads as under :—

“That the contents of para 6 are denied. The respondent concern has already implemented the recommendations of the Tripartite Committee constituted by the Haryana Government Interim relief and it appears have already been paid to the workers of the respondent concern in accordance with the aforesaid decision of the Tripartite Committee.”

On 20th March, 1968 when the case came up for hearing Mr. S.L. Gupta appeared for the management before me and made the following statement :—

“The management have already implemented the recommendations of the Tripartite Committee constituted by the Haryana Government in respect of interim relief as originally recommended by the Central Wage Board for Engineering Industry. The demand of the workmen has been fully satisfied. Recommendations are Ex. R.1”

I also recorded his supplementary statement which is in the following terms :—

“The interim relief which the management has granted is exactly in accordance with the recommendations of the Tripartite Committee copy Ex. R.1 and it has nothing to do with the usual annual increments which the concern otherwise gives.”

Taking the pleadings of the management into consideration the demand of the workmen has already been fully satisfied and in any case the management have no objection in satisfying the said demand in full. In the circumstances I direct the management to grant to their workmen (if not already done) interim relief granted by the Central Wage Board for Engineering Industry as modified by the Tripartite Committee appointed by the Haryana Government. Since it is admitted by both the parties that the recommendations of the Tripartite Committee stated above are correctly stated in Ex. R. 1, the management will comply with the terms of the said document.

No order as to costs.

Dated 30th March, 1968.

K. L. GOSAIN,
Presiding Officer,

Industrial Tribunal, Haryana,
Chandigarh.

No. 441, dated Chandigarh, the 30th March 1st April, 1968.

The award be submitted to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required by Section 15 of the Industrial Disputes Act, 1947.

K. L. GOSAIN,

Presiding Officer,

Industrial Tribunal, Haryana,
Chandigarh.